

## **REMARKS**

### **Claim Status**

There are twenty claims remaining in this application with claims 3, 4, 5, 10, 14 and 15 having been cancelled. Claims 1, 16 and 20 are independent. New claims 21 – 26 have been added.

### **The Invention**

Briefly, Applicant's invention addresses unique problems associated with public waste collection receptacles. Due to size, cost, safety constraints, anti-tampering considerations, etc. commercial trash compaction systems could not be employed for general public access, such as in parks, playgrounds, public streets, meeting halls, public transportation facilities, etc.

Applicant's invention is directed to meet the needs of such applications. As such, the present invention is directed to a trash compaction system which is self-contained within a freestanding cabinet. It should be understood that the term "freestanding" is to be construed by its conventional dictionary definition, e.g. standing or operating independently of anything else; *a freestanding bell tower; a freestanding maternity clinic. American Heritage Dictionary of the English Language*, Fourth Edition, page 701.

Applicant's invention incorporates a trash loading carriage pivotally connected to a vestibule, with the carriage serving to limit the size of objects which the public may deposit within the compactor and to prevent public access to the interior of the compactor.

The vestibule includes a passageway configured with a continuous smooth upper surface to facilitate discharge of a trash load deposited in the carriage and the carriage itself is configured with a lid having a flange which extends into the passageway to block access when the lid is partially open.

### **The References**

The **Inoue** patent document (JP...762) discloses a trash compaction system for use in a multistory residential building. The system includes a vertical chute 3 which extends through several floors of the building. At each floor or level there is provided a “throw-in port 4” through which residents deposit material into the chute 3. At the bottom of the chute 3, there is a separate housing having a throat area which discharges the material exiting the chute over a screw mechanism. Rotation of the screw mechanism apparently feeds the deposited material into a separate wheeled container 13. The in **Inoue** system is clearly not freestanding and the various components are not self-contained within a cabinet.

The **Gould** patent (4,156,386) discloses a commercial trash compactor which is far from freestanding...“with at least a portion of its housing built into the wall of a store or other establishment building in the area in which refuse is most likely collected so that the refuse loading opening 76 is actually within the store or establishment...” (Column 8, lines 1 – 4).

Further, the **Gould** trash compactor is not self-contained within a cabinet. It is evident that at least portions of its hydraulic cylinder are external and associated fluid pumps, fluid lines, etc. are not shown to be enclosed.

### **Claims**

Claim 1, as currently amended, defines Applicant's invention as a self-contained public access trash compaction system comprising a freestanding cabinet and a trash compaction mechanism within the cabinet. Claim 1 further specifies that the cabinet includes a trash compaction compartment and a trash-loading vestibule projecting forwardly of a front surface of the cabinet. The vestibule is specified as including a pair of side walls and defining a downwardly sloped passageway having a continuous smooth upper surface.

Claim 1, further specifies that the vestibule has an entrance and a discharge outlet with the entrance being higher than the discharge outlet.

Additional limitations of claim 1 include a trash loading carriage pivotally connected to the vestibule adjacent a lower edge of the entrance, with the carriage including a first panel comprising a lid and a second panel positioned between the side walls. The lid is specified as blocking the vestibule entrance when the lid is closed and the carriage is in a first position, with the second panel blocking the discharge outlet when the carriage is pivoted to a second position,

wherein the lid is open and wherein trash may be deposited upon the carriage. Claim 1 further specifies that when the carriage is pivoted to return to the first position, trash deposited on the carriage is discharged through the discharge outlet into the trash compaction compartment for compaction by the trash compaction mechanism.

As previously mentioned, the **Inoue** reference does not disclose a self-contained trash compaction system comprising a freestanding cabinet. It is not subject to modification to render it suitable for the intended function of Applicant's claimed invention, i.e. use in public areas. **Inoue** is not freestanding, it is integral with a multistoried building. Further, the components of **Inoue's** system are not self-contained within a cabinet.--**Inoue** includes separate components:

- 1) a chute which extends through the building,
- 2) throw-in ports on each floor of the building for depositing material in the chute,
- 3) a throat like housing at the bottom of the chute,
- 4) a housing for a screw mechanism and
- 5) a container which is attached to the screw mechanism housing.

It is also significant that the individual "throw-in ports" of **Inoue** do not have passageways with Applicant's claimed continuous smooth upper surface. The upper surfaces of **Inoue's** throw-in ports are not smooth and continuous as set forth in Claim 1, but are perpendicular to one another and obstruct the flow of material to be deposited in the chute. (see FIG. 2 of **Inoue**, reproduced on page 4 of the March 9<sup>th</sup> Office Action).

There is no motivation to modify **Inoue** to provide a continuous curved upper surface in the passageway. The **Fitterman** reference (5,137,212) is from nonanalogous art. The **Fitterman** device is not a trash compactor but a security box or vault for confidential documents.

Unlike Applicant's claimed structure, the curved surface in **Fitterman** is discontinuous and includes a perpendicular panel 56. Further, **Fitterman's** curved surface serves a different function than Applicant's claimed structure. **Fitterman's** surface is for preventing a person from reaching inside the cabinet to remove a confidential document, whereas Applicant's claimed structure is for facilitating the flow of trash.

Indeed with **Fitterman's** function in mind, one would not be motivated to modify **Inoue**. One could not reach down into **Inoue's** chute and remove trash which has fallen to the bottom of the chute or passed beyond the bottom of the chute and through the throat. There is no reason or suggestion to modify **Inoue** with **Fitterman**.

It is evident that claim 1, as well as claims 2, 6 and 7, dependent from claim 1, are directed to patentable subject matter which is not shown or suggested in the references of record and are clearly allowable.

Claim 8, dependent from claim 1, specifies that the carriage includes laterally projecting journals, with each journal being seated in a bearing surface of a side wall. Such structure is not shown or suggested in any of the references of record. Claim 8 is clearly allowable in view of its dependency from allowable claim 1 as well as by virtue of the inclusion of patentable subject matter.

Claim 9, dependent from claim 1, specifies a trash container positioned within the trash compaction compartment and sets forth that the compaction mechanism includes a ram which is actuated to compress trash deposited in the container.

With respect to claim 9, it is evident that modification of the **Gould** reference with **Inoue** is not suggested. The **Gould** compactor is for commercial trash collection in a store or other establishment with the compactor being built into the wall of a building. **Gould** is particularly constructed and configured for large volume, large size commercial trash. It is inconsistent to modify **Gould** with **Inoue's** chute for multiple users in a residential dwelling. **Inoue's** chute and **Inoue's** throw-in ports would not accommodate large commercial trash which is intended to be placed in **Gould's** compactor.

There is no motivation for the suggested combination and such combination would defeat the intended purpose of the **Gould** reference.

Claim 11, dependent from claim 1 sets forth a battery power supply operatively connected to the trash compaction mechanism

With respect to claim 11, the **Taylor** reference (5,448,945) does not teach or suggest the employment of a battery to power a trash compaction mechanism. **Taylor** employs a battery for a cart lifting mechanism, not a trash compaction mechanism. There is no suggestion to modify **Gould** with **Inoue** and the proposed further modification with **Taylor** would not result in Applicant's claimed invention.

Claims 12 and 13, both dependent from claim 1, include the additional structure of a controller for controlling operation of the compaction mechanism combined with a sensor. Claim 12 specifies that the controller automatically operates the compaction mechanism when deposited trash is in need of compaction and claim 13 specifies that the sensor determines whether the volume of compacted trash has reached a predetermined level. Claim 13 additionally specifies a signal device for indicating that the compacted trash is in need of collection, with the signal device being coupled to the controller. Allowance of claims 12 and 13, by virtue of their dependency from claim 1 as well as by virtue of the inclusion of patentable subject matter is evident.

Independent claim 16 defines Applicant's invention as a public access trash compaction system comprising a freestanding cabinet, a trash compaction mechanism within the cabinet and a trash loading vestibule including a trash loading entrance and a discharge outlet. More specifically, claim 16 specifies a flange extending along an edge of a lid and into the vestibule when the lid is positioned to close the trash loading entrance, with the flange precluding access to the vestibule when the lid is partially opened.

Such structure is not disclosed in any of the references and claim 16 is clearly allowable.

Claims 17 and 18, dependent from claim 16, are allowable in view of their dependency from claim 16 as well as by virtue of the inclusion of patentable subject matter. Claim 19, dependent from claim 18 is clearly allowable.

Independent claim 20 defines Applicant's invention as a method for providing safe access by the general public to a trash compactor for the deposit of trash. More specifically, Applicant's claimed method includes the step of providing a lid for opening and closing a trash loading entrance, with the lid including a flange extending into the trash loading entrance when the trash loading entrance is closed.

Claim 20 additionally includes the step of opening the lid to access the trash loading entrance and closing the trash discharge outlet while blocking access to the trash passageway with the flange when the lid is partially opened.

The method set forth in claim 20 is not found or suggested in any of the references of record. Claim 20 is clearly allowable.

New claim 21, dependent from claim 1, specifies a flange extending along an edge of the lid with the flange extending into the passageway when the lid is partially opened and with the flange preventing access into the passageway when the lid is partially opened. Allowability of the claim 21 is evident.



Claim 22, dependent from claim 21, further defines the invention by specifying that the flange extends along an upper edge of the lid and claim 23, dependent from claim 22, specifies that the upper surface of the passageway is curved and the flange is matingly curved.. These claims are clearly allowable.

New claim 24, dependent from claim 9, specifies that the ram is positioned at an elevation higher than the discharge outlet when trash is discharged into the trash compaction compartment. Allowability of claim 24, in view of its dependency from claim 9 is evident.

New claim 25, dependent from claim 18, specifies that the flange extends along an upper edge of the lid, whereby trash deposited on the carriage is guided by the flange into the discharge outlet. This claim is clearly allowable and the structure recited therein is absent from the references of record.

New claim 26, dependent from claim 11, specifies that the cabinet comprises at least one panel having a sloped surface with the sloped surface carrying a solar panel operatively connected to the battery for charging the battery. Allowability of claim 26 is evident, in view of its dependency from claim 11, as well as in view of the incorporation of structure which is not found in the references.

In view of the foregoing, it is respectfully submitted that all claims remaining in this application are clearly allowable.

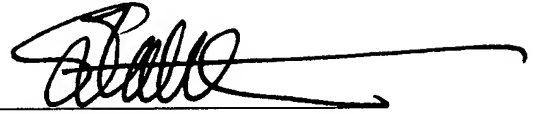
WHEREFORE, reconsideration and early allowance are earnestly solicited.

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Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read 'Seth Natter', written over a horizontal line.

Seth Natter